

**DELAWARE DEPARTMENT OF EDUCATION  
EXCEPTIONAL CHILDREN RESOURCES**

**STATE COMPLAINT DECISION**

**DE SC # 25-08**

**Date Issued: February 7, 2025**

On December 9, 2024, REDACTED (Parent 1), and REDACTED (Parent 2) filed a complaint on behalf of their child, REDACTED (Student), with the Delaware Department of Education (Department). The complaint alleges the REDACTED School District (District) violated state and federal regulations concerning the provision of a free, appropriate public education (FAPE) to Child under the Individuals with Disabilities Education Act (IDEA).<sup>1</sup> The complaint has been investigated as required by federal regulations at 34 C.F.R. §§ 300.151–300.153 and according to the Department’s regulations at 14 DEL. ADMIN. CODE §§ 923.51.0–923.53.0.

The investigation included a review of Student’s educational records, correspondence provided by District, and interviews with Parent 1, District and Division of Visually Impaired (DVI) personnel.

**ONE YEAR LIMITATIONS PERIOD**

In accordance with IDEA and corresponding state and federal regulations, the complaint must allege violations that occurred not more than one (1) year prior to the date the Department receives the complaint. See, 34 C.F.R. § 300.153(c); 14 *Del. Admin. Code* § 923.53.2.4. In this case, the Department received the complaint on December 9, 2024. Therefore, the Department’s findings address violations from December 9, 2023, to December 9, 2024.

**COMPLAINT ALLEGATIONS**

Parent 1 and Parent 2 allege District violated Part B of the IDEA and implementing regulations as follows:

1. Failure to provide Student, who is blind, a one-on-one Support Person (SP) who is certified in braille writing and transcription.

**FACTUAL FINDINGS**

**Background Information**

1. On July 10, 1995. Senate Bill 218 was approved. This amendment was made to Chapter 2, Title 14, Delaware Code by adding thereto a new section, as follows:

**1206 Braille Literacy Rights and Education.**

(6)(d) “...All newly hired teacher aides will be required to achieve certification as braille transcribers through the Library of Congress within 2 *years* of employment.”

2. On October 10, 2022, Delaware General Assembly amended Section 1. § 206, Title 14 of the Delaware Code by **making deletions to § 206. Braille Literacy Rights and Education.**  
(6)(d) "...All newly hired teacher aides will be required to achieve certification as braille transcribers through the Library of Congress within 2 years of employment." was **repealed.**
3. On May 19, 2021, the IEP Team conducted the triennial evaluation and documented in the Evaluation Summary Report (ESR) that the Student is blind, and therefore uses braille for reading, writing and math. This ESR was the most recent as a data source for February 7, 2024 IEP.

### **Current Information**

1. Student is REDACTED years old and is in the REDACTED grade at REDACTED School (School). Student receives special education services as a child with a Visual Impairment (VI) and secondary educational classification of Other Health Impairment (OHI).
2. On February 7, 2024, the IEP Team determined the Student will receive 300 minutes a week of instruction from a Teacher of the Visually Impaired (TVI) in reading, writing and math.
3. The IEP also included the following services and accommodations to support Student's use of braille.

"Student requires a dedicated adult staff member to provide support for instruction, assist with instructional planning, and helping Student to remain safe in the educational environment. Student requires the following support provided by a dedicated adult:

- individual instruction to pre-teach, reteach, and practice skills learned
- support special education teacher and general education teacher with instructional opportunities
- adapt and modify activities, as needed
- collect and prepare materials for Student to participate in lessons
- provide modifications and accommodations as needed to access curriculum
- assist Student with using assistive technology and equipment required for completing assignments..."

4. Student's current Support Person (SP) began working with Student in Summer 2023.
5. On December 7, 2024, Parents filed State Complaint.
6. On December 20, 2024, District responded to the State Complaint and stated the SP had successfully completed the braille literacy modules recommended by DVI and the case should be dismissed.

7. On January 9, 2025, District Supervisor of Student Services (Supervisor) provided SP's current certificates of successful completion for both braille literacy courses recommended by DVI. The certificates contained the following information:
- UEB<sup>1</sup> Online: Accessible Braille Training  
Literacy Module 1 <sup>2</sup>(45 hours)  
UEB content areas completed in 14 lessons:  
Letters of the alphabet,  
numerals, and alphabetic wordsigns  
Groupsigns and wordsigns (strong contractions and lower contractions)
  - UEB Online: Accessible Braille Training  
Literacy Module 2<sup>3</sup> (45 hours)  
UEB content areas completed in 16 lessons:  
Initial and final letter contractions (2-cell contractions)  
Braille mode indicators:  
Capital Mode, Grade mode, Grade 1, and Typeform indicators  
Numbers, mathematical signs, unit abbreviations, and print symbols  
Proper names, print abbreviations, accented letters and foreign words,  
punctuation.
8. On January 13, 2025, during a phone interview with Investigator, Parent 1 stated Student needs a support person with similar certification and skills in braille writing and transcription that former Support Person (SP 1) possessed. Because SP 1 worked with Student prior to October 10, 2022, SP 1 was required to meet the regulations in HB 218 ... **"1206 Braille Literacy Rights and Education.**  
(6)(d) "...All newly hired teacher aides will be required to achieve certification as braille transcribers through the Library of Congress within 2 *years* of employment."
9. On January 14, 2025, Investigator called Division of Visual Impairments to clarify current requirements in braille transcription for paraeducators supporting blind students in schools.
10. On January 14, 2025, DVI Deputy Director of Division of Visually Impaired (DDDVI) stated, in return message to Investigator, there are no current requirements for paraeducators supporting blind students to be certified in braille transcription.
11. On January 15, 2025, TVI further clarified to Investigator, Districts hire the support person for students with visual impairments. Therefore, DVI cannot **require** any specific certification for staff who support students who use braille. However, DVI does

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<sup>1</sup> Unified English Braille Code is an English language Braille code standard, developed to encompass the wide variety of literary and technical material in use in the English-speaking world today, in uniform fashion.

<sup>2</sup> UEB Online Literacy Module 1 is the first of two training modules in Unified English Braille. Completion of both modules is required to be knowledgeable of the full Unified English Braille code.

<sup>3</sup> UEB Online Literacy Module 2 is the second of two training modules in Unified English Braille. Completion of both Modules is required to be knowledgeable of full Unified English Braille Code

recommend to Districts, anyone hired for a support position complete two modules in braille literacy, as a standard of practice.

12. On January 15, 2025, TVI also stated SP 1 had taken certifications per regulations of HB 218 approved July 10, 1995, since SP 1 supported Student prior to the repeal of regulations in October 2022. SP1 also personally pursued higher level certifications in braille transcription to become a certified braille transcriber.

### **LEGAL CONCLUSIONS**

**Allegation #1:** Failure to provide Student, who is blind, a one-on-one support person who is certified in braille writing and transcription.

On July 10, 1995, Senate Bill 218 was approved. This amendment was made to Chapter 2, Title 14, Delaware Code by adding thereto a new section, as follows:

**1206 Braille Literacy Rights and Education.**

(6)(d) "...All newly hired teacher aides will be required to achieve certification as braille transcribers through the Library of Congress within 2 years of employment."

On October 10, 2022, Delaware General Assembly amended Section 1. § 206, Title 14 of the Delaware Code by making deletions,

**§ 206. Braille Literacy Rights and Education.**

(6)(d) "...All newly hired teacher aides will be required to achieve certification as braille transcribers through the Library of Congress within 2 years of employment." was **repealed**.

The current SP began working with Student in 2023. Therefore, SP does not technically have any state requirements for certification in braille writing and transcription skill per repeal of state regulation HB 218 on October 10, 2022. However, standard of practice recommended to Districts (who are responsible for hiring support position) by DVI are two courses in braille writing and transcription that the current support person completed as of May 2024. The IEP identifies a one-to-one paraeducator be assigned to Student for support, including preparation and use of braille materials, due to Student's disability. There are currently no state regulations requiring specific braille transcription certification, as a prerequisite of this position.

SP 1 was required to have different certification per State regulations set forth in HB 218 on July 10, 1995, and personally pursued additional certifications in braille writing and transcription.

***Therefore, I find no violation of IDEA or state special education regulations related to failing to provide a certified one-on-one support person for Student.***

### **CORRECTIVE ACTIONS**

The Delaware Department of Education is required to ensure that corrective actions are taken when violations of the requirements are identified through the complaint investigation process. *See, 14 Del. Admin. C. § 923-51.3.3.* In this case, the investigator found no violation of Part B of the IDEA. Therefore, no further action by the Department shall be taken.

Respectfully submitted,

*REDACTED*

Investigator